

**REMARKS**

Claims 1-41 are pending in the application.

Claims 1-41 stand rejected.

**Rejection of Claims under 35 U.S.C. § 103**

Claims 1-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,704,409 issued to Dilip, et al. (hereinafter Dilip). Applicants respectfully traverse this rejection.

Claim 1 distinguishes over Dilip in numerous ways. Claim 1 recites “maintaining real-time data for multi-channel communication queuing, wherein the maintaining comprises: forming a list of agent data, wherein the agent data includes information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access.” Dilip fails to teach “forming a list of agent data” and “information regarding a corresponding status of an agent,” and it would not have been obvious to modify Dilip to include “a list of agent data ... [including] information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access.” Furthermore, Dilip does not teach “maintaining real-time data . . . wherein the maintaining comprises: forming a list of agent data.”

***Forming a List of Agent Data***

Dilip does not teach forming a list of agent data. The Office Action states that Dilip teaches “forming a list of agent data depending on area of expertise (col. 5 line 67 through col. 6, line 3).” Column 5, line 67 through column 6, line 3 states

“Server 12a then communicates the e-mail to transaction processing system 10, which provides the e-mail to a particular agent or group of agents for response. Agents may be grouped together based on area of expertise, company department, or type of support provided (e.g. sales or technical support.”

Nothing in the foregoing citation teaches forming a list of agent data. Applicants submit that grouping agents based on an area of expertise does not teach “forming a list of agent data.” In fact, Applicants are unable to find anywhere that Dilip even mentions a list or forming a list.

*Information Regarding the Status of an Agent*

Dilip does not teach “information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access,” as recited in claim 1. Dilip does not disclose the type of information recited in claim 1 because Dilip does not disclose either (1) each type of communication media an agent is authorized to access, or (2) a corresponding status of an agent for those types of communication media.

Dilip does not disclose information that sets forth each type of communication media an agent is authorized to access. The Office action suggests that Dilip teaches this type of information in col. 5, lines 9-21. Page 2. In column 5, lines 9-20, Dilip states, “an agent handling only telephone call transactions may only use a telephone system, without requiring a computer.” Applicants submit that the disclosure of an agent who only handles telephone call transactions does not teach information regarding each type of communication media the telephone agent is authorized to access. Dilip does not indicate whether the telephone agent is authorized to access only the telephone, or whether the telephone agent is authorized to access other types of communication media.

Applicants recognize that if an agent is using a certain type of communication media, the agent is probably authorized to access that type of communication media; however, Dilip does not teach information that sets forth *each* type of communication media an agent is authorized to use.

Dilip does not disclose information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access. The Office action states that “an agent handling only telephone call transactions may only use a telephone without requiring a computer or the status of the agent is not text/email.” As an initial point, Dilip does not teach that a telephone agent has a status of “not text/email.” However, even if Dilip did teach that a telephone agent’s status is “not text/email,” the only type of media that the agent uses (i.e., is implicitly authorized to access) is the telephone. Thus, the agent’s status corresponds to the type of media that the agent is *not* using, rather than corresponding to a type of media the agent is authorized to access. In contrast, claim 1 recites that “the agent data includes information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access.”

*List of Agent Data Including Information Regarding a Status of an Agent*

Applicants submit that it would not have been obvious to modify Dilip to include “information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access,” as recited in claim 1. The Office action recognizes that “Dilip et al. do not explicitly suggest forming a list of agent data based on a relationship between an agent and a type of communication media the agent access [*sic*].” Page 3.

The Office action states that the “obvious (if not inherent) way to operate a customer service center” is to group agents together “based on the type of devices the agent is authorized to access.” Page 3. The Office action suggests that such a conclusion is obvious because “agents grouped together based on the type of device the agents may [sic] utilize as necessary for load balancing.” Page 3. Applicants respectfully disagree. The obvious way to operate a customer service center is not necessarily to group agents based on the type of devices the agent is authorized to access. For example, Dilip teaches that “agents may be grouped together based on area of expertise, company department, or type of support provided,” but does not teach that agents may be grouped based on the types of devices the agents use. Column 5, line 67 to column 6, line 2.

Furthermore, Applicants notes that “[i]nherent anticipation requires that the missing descriptive material is ‘necessarily present,’ not merely probably or possibly present, in the prior art.” *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002). The Examiner bears the burden of showing that missing descriptive material is necessarily present. “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” (emphasis in original) MPEP § 1221 quoting *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

Applicants submit that agents in a customer service center are not necessarily grouped together based on the types of devices the agent may utilize. As previously mentioned, Dilip suggests that agents may be grouped together based on area of expertise, company department, or type of support provided. Thus, by disclosing that

agents may be grouped based on various criteria, Dilip shows that agents are not inherently grouped based on the types of devices the agents may utilize.

Even if Dilip did disclose grouping agents based on the types of devices the agents may utilize, such a grouping does not show that it would be obvious to modify Dilip to “[form] a list of agent data . . . [that] includes information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access,” as recited in claim 1. Indeed, grouping agents based on the devices they use does not show, teach, or suggest any of the features of claim 1.

*Maintaining Real-time Data by Forming a List of Agent Data*

Applicants have demonstrated that it would not be obvious to one of ordinary skill in the art to modify Dilip to “[form] a list of agent data, wherein the agent data includes information regarding a corresponding status of an agent for each type of communication media the agent is authorized to access,” as recited in claim 1. However, even if Dilip could be modified in such a manner, claim 1 would still distinguish over Dilip. This is because Dilip does not show, teach or suggest that forming the list of agent data is included in “maintaining real-time data,” as recited in claim 1.

The Office action states, “Dilip et al. teach maintaining real-time data for multi-channel communication queuing (abstract and col. 2, lines 24-37.)” The Abstract states that Dilip is directed to “[a] transaction control system . . . capable of receiving both real-time transactions and non-real-time transactions.” “Embodiments of the invention provide a transaction controller that allows a particular agent to handle multiple types of transactions through a centralized control system. Thus, when an agent is available to

receive a transaction, the highest priority transaction, of any type, is provided to an agent.” Column 2, lines 26-31.

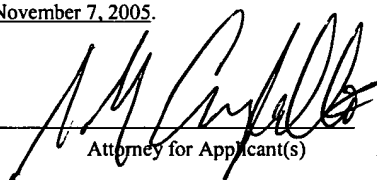
While Dilip teaches queuing real-time transactions and providing those transactions to agents, Dilip does not teach maintaining real-time data wherein the maintaining comprises forming a list of agent data. In fact, Dilip only uses the term “real-time” to refer to real-time transactions. Dilip defines a real-time transaction as “a transaction in which signals are communicated between a transaction initiator (e.g., a customer) and an agent with relatively short time intervals between the termination of one transmission and the start of the next.” Column 3, lines 53-57. Dilip’s definition of real-time does not show, teach, or suggest anything about maintaining data or forming a list of agent data.

Furthermore, Dilip does not teach maintaining agent data in real-time. Dilip suggests that an agent may be assigned to respond to telephone calls or emails, but does not teach that the assignments may be made in real-time. Thus, Dilip fails to teach “maintaining real-time data . . . wherein the maintaining comprises: forming a list of agent data,” as recited in claim 1.

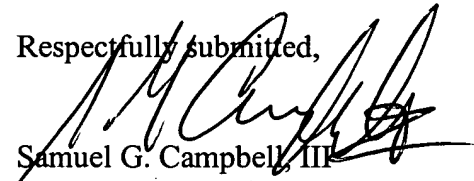
Accordingly, claim 1 clearly distinguishes over Dilip. Applicants submit that claims 13 and 23 distinguish over Dilip for at least the same reasons that claim 1 distinguishes over Dilip. Therefore, independent claims 1, 13, and 23, as well as claims 2-12, 14-22, and 24-41, which depend from claims 1, 13, and 23, are allowable for at least the foregoing reasons. Accordingly, Applicants respectfully request withdrawal of the rejections based on 35 U.S.C. 103.

**CONCLUSION**

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

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| <br>_____<br>Attorney for Applicant(s)   | <u>11/7/05</u><br>_____<br>Date of Signature |

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